

**Testimony of Mr. Octovianus Mote  
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**before the  
U.S. House Committee on Foreign Affairs  
Subcommittee on Asia, the Pacific and the Global Environment**

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**“Crimes Against Humanity: When Will Indonesia’s Military Be Held  
Accountable for Deliberate and Systematic Abuses in West Papua?”**

**Introduction**

Special autonomy in West Papua has failed. This was the conclusion drawn in November 2007 by several parties: the Papuan Traditional Council (Dewan Adat Papua), Association of Central Highland University Students (AMP), and the Papuan Peoples Council (PDP). In June and July 2010, some 20,000 people took to the streets of West Papua and formally returned the Special Autonomy law to the Indonesian government.

**Background**

The dictatorship of President Suharto, who ruled Indonesia for 32 years, came to an end in 1998 amidst a widely-popular reform movement that swept this island nation. The era of comparative freedom that came with the end of Suharto’s rule opened up new political opportunities for the people of East Timor, Papua, and Aceh. Nationalist movements developed grass-roots support in each of these territories. Public demonstrations in Papua, which featured the flying of the morning star flag, were staged throughout the territory in 1998. A delegation of 100 Papuan leaders met with President B. J. Habibie in 1999 where they declared their aspirations to leave the Republic of Indonesia. Thousands flocked to Papua’s capital of Jayapura in May 2000 for the Second Papuan Congress, an event where a leadership for the independence movement was formally selected. Indonesian officials decided that offering Papua a comprehensive autonomy package was the best response to popular demands for an independence referendum. At the same time Indonesian military terror campaigns, and targeted assassinations, forced the political movement for independence underground.

**A Toothless Autonomy Package**

The People’s Consultative Assembly (MPR), the highest law-making body in Indonesia, issued the Assembly Decree No. 4/1999 that called for giving broad powers to local government officials in Papua. In drafts of the autonomy bill local Papuan officials were given authority in all aspects of governance, except with respect to foreign policy, external defense, financial matters, and the judiciary. A transfer of authority of this nature had never before been applied in the history of the Republic of Indonesia. Initially it gave provinces throughout Indonesia, hope of gaining independence from a top-heavy central bureaucracy in Jakarta. This autonomy bill was passed into law in 2001 by Indonesia’s Parliamentary Assembly (DPR-RI). However, the contents of the

final bill left much to be desired. Earlier drafts of the bill contained many specific provisions that were lost in the final version.

Indonesian security forces have historically been controlled from Jakarta with no formal oversight from civilian authorities. A draft of the autonomy package placed the Chief of Police in Papua directly under the authority of the Governor. This move was in line with a national initiative to separate the police from the three branches of the armed forces: the Army, the Navy and the Air Force. At the time, policy makers were making moves to limit the role of the armed forces in domestic affairs. The final autonomy bill kept the status quo with respect to security policy. The police and military forces in West Papua continue to operate separately from the Governor, without any direct civilian oversight. Troop deployments continue to be coordinated from Jakarta.

In an attempt to end the impunity enjoyed by Indonesian security forces, a draft of the autonomy legislation contained provisions for the establishment of an independent human rights commission for Papua. Plans for an institution with the authority to investigate allegations of human rights violations and present findings to a Provincial Human Rights Court of Justice were developed. However, the final autonomy bill eliminated the key provision of independence of a regional human rights body. A branch of Indonesia's National Human Rights Commission (Komnas HAM) was opened in Papua following the implementation of the autonomy legislation, without any specific mandate or tasks. The jurisdiction of the Human Rights Court of Justice was extremely limited. The new court lacked the ability to prosecute abuses by security forces and government officials. Impunity for soldiers and their commanders is still the order of the day in Papua.

Drafts of the autonomy bill proposed a bicameral system of provincial government: an indigenous council called the Papuan People's Consultative Council (MRP) was to be established alongside the existing People's Parliamentary Representative Council (DPRP). The MRP was established, but its role was limited to cultural affairs with no decision-making power and authority whatsoever. Currently the MRP merely provides advice to the administration and the DPRP.

### **Economic Provisions**

Article 34 of the autonomy package that was passed in 1999 stipulated that the majority of revenue generated by the extraction of natural resources in Papua would be given back to the provincial government and the people. The bill contained provisions for sustainable and environmentally sound development programs. Article 42 of the bill opens up opportunities for participation by local communities in every initiative of capital investment in their respective regions. An affirmative action program was established for indigenous Papuans who wish to pursue higher education, opportunities in government, and funds for entrepreneurs. The current Governor of Papua, Barnabas Suebu, recently announced that 100 million Rupiah (\$10,000 US) would be provided to each village in the whole province of Papua as a result of revenue from the autonomy program.

### **Failed Implementation of the Autonomy Law**

The administration of Indonesian president President Megawati Sukarnoputri was reluctant to implement the special autonomy bill that had been passed by the national legislature in 1999. President Sukarnoputri finally signed the bill into law in 2002. One

year later the Sukarnoputri administration showed ill-will to the implementation of the autonomy law with the issuance of presidential instruction number 1/2003 which split up the territory of Papua into separate provinces. When General Susilo Bambang Yudhoyono became the President of Indonesia in 2004, many Papuans hoped that he would make a genuine effort to implement the Special Autonomy law. After Yudhoyono allocated funds for splitting Papua into separate provinces, the people lost hope that he would take autonomy in the territory seriously.

The distribution of the revenue that has flowed back from Jakarta following the implementation of the autonomy law has been mismanaged. As a result the primary beneficiaries of the autonomy funds are a group of Papuan elites who hold various positions in the government bureaucracy. Governor Suebu has established a team to fight corruption that consists of police officers, a special court of justice, and public prosecutors. This team is tasked with investigating allegations of corruption and prosecuting those who have misused public funds. The Governor has also implemented new safeguards to prevent further misuse of funds. Additionally, Governor Suebu is attempting to prevent the misappropriation of funds by the security forces.

#### **Recent Evaluations of the Autonomy Law**

In 2007 the Governor of Papua formed a team to study the implementation of the autonomy law. This evaluation team consisted of members of the Papuan People's Consultative Council (MRP), scholars at Cenderawasih University, as well as youth activists from the Association of College and University Students of the Papuan Central Highlands (AMP). Mr. John Djopari, a government official who was formerly the Indonesian ambassador to PNG, served as Chairman of the Papua Special Autonomy Evaluation Team. The team concluded that the implementation of the bill had failed. The Republic of Indonesia, concluded Mr. Djopari, has squandered the funds from the autonomy bill to form new, unnecessary, district administrative units. The bottom-line issue is that civilian officials have failed to establish meaningful and authoritative control over the unruly armed forces which continue to operate with impunity.

#### **Proposed Solutions: The Role of the International Community**

Papuans have lost faith in the will of the Indonesian government to resolve long-standing grievances: autocratic rule by distant officials in Jakarta, security forces that continue to operate with impunity, as well as laws that limit basic political and religious freedoms. The Papuan Traditional Council (Dewan Adat Papua), a grassroots political organization representing the 253 indigenous groups in West Papua, has recently reiterated a call for a dialog between the Republic of Indonesia and the Papuan people. Such a dialog would only be possible, according to the Papuan Traditional Council, if it is mediated by a neutral third party.

Mr. Chairman, therefore we would like to thank you for your recent letter to President Obama, encouraging him to "make West Papua one of the highest priorities of the Administration." We also thank the other fifty members of the U.S. Congress who signed this letter—asking the President to meet with the people of West Papua during his upcoming trip to Indonesia. We sincerely hope that the President takes your request to heart.

Thank you.